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March 16, 2022

Via ECF Filing

Honorable Robert E. Grossman
United States Bankruptcy Court
Eastern District of New York
Alfonse M. D'Amato Federal Courthouse
290 Federal Plaza
Central Islip, New York 11722

Re: Dowling College, Chapter 11 Case No. 16-75545 (REG)

Your Honor:

This firm served as counsel to Dowling College (the “Debtor”) in connection with its voluntary chapter 11 case referenced above (the “Bankruptcy Case”) and continues to represent Robert S. Rosenfeld, as the plan administrator of Dowling College (the “Plan Administrator”).

As Your Honor is aware, on December 20, 2018 (the “Confirmation Date”), this Court entered its Findings of Fact, Conclusions of Law, and Order Pursuant to 11 U.S.C. § 1129 and Fed. R. Bankr. P. 3020 Confirming the First Amended Plan of Liquidation of Dowling College (“Plan”)¹ Pursuant to Chapter 11 of the Bankruptcy Code, As Modified [Dkt. No. 662] (the “Confirmation Order”). Thereafter and pursuant to the Confirmation Order, the Debtor gave notice that the Plan became effective in accordance with its terms, and the Effective Date occurred on January 14, 2019 (the “Effective Date”). See Dkt. No. 671. Thereafter, the Plan was substantially consummated.

The Plan Administrator last updated the Court by written correspondence in October of 2020 concerning the status of various post-confirmation activity and the expected timing for a request by the Plan Administrator for a final decree in this case [Docket No. 767].

Pursuant to the Plan and that certain Plan Administrator Agreement (the “PA Agreement”), the Plan Administrator continues to administer certain limited estate assets that remain.

¹ Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to them in the Plan.

Honorable Robert E. Grossman
March 16, 2022
Page 2 of 2

The Plan Administrator also continues to file quarterly status reports with this Court as required by the Plan.

In terms of remaining administration, the Plan Administrator maintains title to certain real property interests in small parcels of undeveloped land that were determined to be titled in the Debtor's name, but for which there is limited interest or value. The Plan Administrator and his counsel are in negotiations with certain buyers for these undeveloped parcels of land. The Plan Administrator is hopeful that these real estate transactions will be completed in the next thirty (30) days, or the interests otherwise abandoned.

In addition to the foregoing real estate matters, by virtue of this Court's prior Order approving and authorizing procedures for the disposition of the Debtor's records, dated May 26, 2017, [Docket No. 341], the Plan Administrator has the obligation to maintain and keep certain student academic records until June 2022. The Plan Administrator is in the process of negotiating and pre-paying a vendor for the remaining storage and destruction costs associated with these records.

Other than as set forth herein, the Plan Administrator has fulfilled all of his obligations under the Plan and PA Agreement, including the completion of the cy pres process before the New York State Supreme Court, Suffolk County. Overall then, the Plan Administrator believes he should be in a position to seek a final decree from this Court and close the Bankruptcy Case within the next sixty (60) days. Should Your Honor or his chambers have any questions or concerns to discuss, I would be pleased to speak on these matters at your convenience.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sean C. Southard".

Sean C. Southard

CC: (via email)

Robert S. Rosenfeld
Neil Bivona
Ronald Friedman